

THE NATIONAL ARCHIVES
LITTERA
SCRIPTA
MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 5 NUMBER 106

Washington, Thursday, May 30, 1940

The President

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER OF JULY 7, 1910, CREATING COAL LAND WITHDRAWAL, UTAH NO. 1

COAL LAND RESTORATION, UTAH NO. 50

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910 (ch. 421, 36 Stat. 847), the Executive order of July 7, 1910, creating Coal Land Withdrawal, Utah No. 1, is hereby revoked as to the following-described lands:

Salt Lake Meridian, Utah

- T. 28 S., R. 8 E.,
secs. 23 to 26, inclusive;
secs. 35 and 36.
T. 29 S., R. 8 E.,
secs. 1 and 2;
secs. 11 to 14, inclusive;
secs. 23 and 24;
secs. 33 and 34.
T. 27 S., R. 9 E.,
secs. 33 and 34.
T. 28 S., R. 9 E.,
secs. 3 to 10, inclusive;
sec. 16, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
secs. 17 to 19, inclusive;
sec. 20, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
secs. 30 to 33, inclusive.
T. 29 S., R. 9 E.,
secs. 5 to 8, inclusive;
secs. 17 to 19, inclusive;
sec. 30, N $\frac{1}{2}$.
T. 30 S., R. 9 E.,
secs. 19 and 20;
sec. 21, W $\frac{1}{2}$;
sec. 27, SW $\frac{1}{4}$;
secs. 28 to 31, inclusive;
sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
sec. 33, all;
sec. 34, W $\frac{1}{2}$.
T. 31 S., R. 9 E.,
secs. 4 to 9, inclusive;
secs. 16 and 17;
secs. 20 to 22, inclusive;
secs. 27 and 28;
sec. 29, NE $\frac{1}{4}$ and S $\frac{1}{2}$;
sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
secs. 31 to 35, inclusive.
T. 32 S., R. 9 E.,
secs. 2 to 11, inclusive;
secs. 13 to 35, inclusive.
T. 33 S., R. 9 E., all.
T. 27 S., R. 10 E., all.
T. 32 S., R. 10 E., all.
T. 33 S., R. 10 E., all.
T. 34 S., R. 10 E., all.
T. 32 S., R. 11 E., all.

T. 34 S., R. 11 E., all.
T. 34 S., R. 12 E., all.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 27, 1940.

[No. 8419]

[F. R. Doc. 40-2151; Filed, May 28, 1940;
1:25 p. m.]

Rules, Regulations, Orders

CHAPTER I—DEPARTMENT OF STATE

PART 55C—TRAVEL

§ 55C.4 *American vessels in combat areas—(c) Vessels authorized to evacuate American citizens and those under direction of American Red Cross—(2) The S. S. Washington.* The S. S. Washington has, by arrangement with the appropriate authorities of the United States Government, been commissioned to proceed into and through the combat area defined by the President in his proclamation numbered 2394, of April 10, 1940,¹ in order to evacuate citizens of the United States who are in imminent danger to their lives as a result of combat operations incident to the present war. Therefore, in accordance with paragraph (4)² of the regulations which the Secretary of State issued on November 6, 1939, and amended on April 10, 1940,³ the provisions of the President's proclamation of April 10, 1940, do not apply to the voyage which the S. S. Washington has been commissioned to undertake for the aforesaid purpose. (Sec. 3, Public Res. 54, 76th Cong., 2d sess., Nov. 4, 1939; Proc. No. 2394, April 10, 1940)

CORDELL HULL,
Secretary of State.

MAY 23, 1940.

[F. R. Doc. 40-2163; Filed, May 29, 1940;
12:29 p. m.]

¹ 5 F. R. 1399.

² This regulation which appeared as paragraph (4) in "Regulations under section 3 of the joint resolution of Congress approved November 4, 1939" (4 F. R. 4510), has been designated as § 55C.4 (c) under Title 22 for codification purposes.

³ 5 F. R. 1401.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[No. 38]

SUNNYSIDE DIVISION—YAKIMA PROJECT PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES¹

MAY 9, 1940.

1. *Operation and maintenance charges for public notice lands.* Notice is hereby given that for the irrigation season of 1940, and thereafter until further notice, each acre of irrigable land subject to public notice rates in the Sunnyside Division, Yakima project, Washington, shall be charged, whether water is used or not, with a minimum operation and maintenance charge of two dollars (\$2.00), which will permit delivery of not more than 3 acre-feet per irrigable acre in accordance with the following schedule per irrigable acre:

Monthly Schedule of Deliveries

	Percent
April	13.3
May	15.0
June	18.3
July	18.3
August	16.7
September	11.7
October	6.7

2. *Excess water deliveries for old supplemental lands.* For lands (so-called old supplemental lands) receiving water under said division of said project by virtue of certain supplemental water right contracts with the United States, there will be made for the irrigation season of 1940 an operation and maintenance charge of \$1.00 per acre which permits the delivery, on the above monthly schedule of deliveries, of the amounts of water determined in the W. W. Johnston report, approved by the

Secretary of the Interior in 1932. Water in excess of the monthly schedule of said amounts may be delivered, when available, during the period of release of water from storage as determined by the project superintendent, in accordance with whatever arrangements may be made pursuant to the notice of October 30, 1939, entitled "Notice as to water deliveries in the Sunnyside Valley Irrigation District for the year 1940 and certain subsequent years." Water in excess of the monthly schedule of said determined amounts may be delivered, when available, during other periods of the irrigation season without extra charge.

3. *Excess water deliveries for other lands in Sunnyside Valley Irrigation District.* For other lands in the Sunnyside Valley Irrigation District, consisting of Public Notice, Supplemental, and Warren Act lands, water in excess of the schedule of 3 acre-feet per irrigable acre may be delivered, when available, during the period of release of water from storage, as determined by the project superintendent, in accordance with whatever arrangements may be made pursuant to the notice of October 30, 1939, entitled "Notice as to water deliveries in the Sunnyside Valley Irrigation District for the year 1940 and certain subsequent years." Water in excess of the monthly schedule of said determined amounts may be delivered, when available, during other periods of the irrigation season without extra charge.

4. *Excess water deliveries for other lands in Sunnyside Division.* For other lands in the Sunnyside Division, consisting of Public Notice, Supplemental, and Special Warren Act lands, not covered by Paragraphs 2 and 3, water in excess of the monthly schedule of amounts established under notices and contracts may be delivered, when available, during the period of release of water from storage as determined by the project superintendent, at a rental rate of \$1.00 per acre-foot. Water in excess of the monthly schedule of said determined amounts may be delivered, when available, during other periods of the irrigation season without extra charge.

5. *Water rental charges for lands outside the project.* For water which may be furnished lands outside the limits of the said division of said project, the charge shall be one dollar (\$1.00) per acre-foot for the irrigation season of 1940, and thereafter until further notice, due and payable in advance of the delivery of water.

6. *Time of payments.* All water charges announced herein are due and payable on December 31 following the irrigation season, except as provided in Paragraph 5.

W. C. MENDENHALL,
Acting Under Secretary of the Interior.

[F. R. Doc. 40-2155; Filed, May 29, 1940;
11:04 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF THE APPLICATION OF HANDLERS OF LEAF TOBACCO OF TYPE 32 FOR PARTIAL EXEMPTION FROM THE MAXIMUM HOURS PROVISIONS

Whereas applications were made by the Maryland Tobacco Packing Company of Upper Marlboro, Maryland and sundry other parties engaged in the buying, handling, sorting, grading, packing and storing of leaf tobacco of type 32 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture), pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder, for partial exemption from the maximum hours provisions of section 7 (a) of said Act pursuant to the provisions of said section 7 (b) (3) applicable to industries found by the Administrator of the Wage and Hour Division to be of a seasonal nature, and

Whereas it appeared from said applications that:

(1) the operations of buying, handling, sorting and grading of green leaf tobacco of the above type and the packing and storing thereof include operations essential to the preservation of a perishable agricultural product, and

(2) the plants of the green leaf tobacco handlers wherein said operations are performed, close at the end of the operating season each year except for maintenance, repair, clerical and sales work, and

(3) the earliest season begins about the first of May and lasts for about four months, and

(4) green tobacco, being the materials used by the industry, is available for natural reasons only at the above indicated times of the year when the plants are in operation, and

Whereas the Administrator caused to be published in the **FEDERAL REGISTER** on May 9, 1940 (5 F.R. 1665) a notice setting forth the above matters which stated that upon consideration of the facts and reasons stated in said applications the Administrator determined, pursuant to § 526.5 (b) (ii) of said regulations, that a *prima facie* case had been shown for the granting of an exemption pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 of the regulations issued thereunder to that branch of the tobacco industry engaged in the buying, handling, sorting and grading of green leaf tobacco of type 32 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the packing and storing thereof, and which notice stated further that if no objection and request for hearing was received within 15 days, the Administrator would make a finding upon the

¹Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

prima facie case shown upon said applications, and

Whereas no objection and request for hearing was received by the Administrator within the 15 days following the publication of said notice.

Now, therefore, pursuant to § 526.5 (b) (ii) of the regulations as amended, the Administrator hereby finds upon the *prima facie* case shown in said applications that a partial exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 of the regulations issued thereunder, should be and is hereby granted to that branch of the tobacco industry engaged in the buying, handling, sorting and grading of green leaf tobacco of type 32 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the packing and storing thereof.

Signed at Washington, D. C., this 29 day of May 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-2154; Filed, May 29, 1940;
10:57 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 370]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS COMPANY (OF DELAWARE) FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATE OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, ON ADDITIONAL FREQUENCIES BETWEEN THE UNITED STATES, AND EUROPE IN TRANSATLANTIC SERVICE, PURSUANT TO SECTIONS 406 (A) AND (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

At the request of the applicant, the above-entitled proceeding assigned for hearing by order of the Authority for the limited purpose of "fixing and determining of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith, on a total of three round trips per week between the United States and Europe in transatlantic service" and now set for June 3, 1940, at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before Examiner Francis W. Brown, is hereby postponed¹ to a date to be hereafter assigned.

Dated Washington, D. C., May 28, 1940.

[SEAL] FRANCIS W. BROWN,
Examiner.

[F. R. Doc. 40-2161; Filed, May 29, 1940;
11:39 a. m.]

¹ Last postponement appears at 5 F.R. 1807.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5869]

IN RE APPLICATION OF GOD'S BIBLE SCHOOL AND COLLEGE (NEW)

Dated December 19, 1939, for construction permit; class of service, international broadcast; class of station, broadcast; location, Cincinnati, Ohio; operating assignment specified: Frequency, 11710 and 21610 kcs.; power, 60 kw., emission A-3; hours of operation, share time on 11710 kc., unlimited time on 21610 kc.

[File No. B2-PIB-22]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the proposed service.
2. To determine whether the production of the program service and technical operation of the proposed station would be conducted by qualified persons.
3. To determine whether technical facilities are available on which the proposed service could be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequencies requested.
4. To determine whether the service which applicant proposes to render would be consistent with the regulations of the Commission, particularly Section 4.43.
5. To determine whether applicant has the necessary program sources available to render an international service in the public interest.
6. To determine whether public interest, convenience and necessity would be served through granting of a permit therefor and operation of the proposed station.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

God's Bible School and College,
1810 Young Street,
Cincinnati, Ohio.

Dated at Washington, D. C., May 27, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2153; Filed, May 29, 1940;
10:18 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-143]

IN THE MATTER OF COLUMBIAN FUEL CORPORATION

ORDER FIXING DATE FOR ORAL ARGUMENT

MAY 28, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, Clyde L. Seavey. John W. Scott, not participating.

It appearing to the Commission that:

(a) On May 24, 1940, Columbian Fuel Corporation filed with the Commission a request for an opportunity to be heard in oral argument upon the issues involved in this proceeding;

(b) In said request the Columbian Fuel Corporation provides that the effective date of the proposed schedule of increased rates or charges provided in Columbian Fuel Corporation Rate Schedule FPC No. 1, as modified by Supplements Nos. 1 and 2 thereto, shall be further suspended for a period of one month from and after May 31, 1940;

(c) Columbian Fuel Corporation also requests that each of the parties which have heretofore been granted leave to file briefs in this proceeding as *amici curiae* be allowed to participate in such oral argument;

The Commission orders that:

(A) Oral argument in this proceeding will be heard by the Commission *en banc* at 10:00 o'clock, a. m., E. S. T., on June 17, 1940, in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.;

(B) The State of West Virginia, the Public Service Commission of West Virginia, the Public Service Commission of Kentucky, the Mid-Continent Oil & Gas Association, the Independent Petroleum Association of America, and the National Association of Railroad and Utilities Commissioners may participate in such oral argument if they find it desirable so to do;

(C) The granting to the parties named in paragraph (B) above of the privilege of participation in such oral argument shall not be construed as recognition by the Commission that said parties might be aggrieved by any order

the Commission may issue in this proceeding.

By the Commission.

[SEAL]

J. H. GUTRIE,
Acting Secretary.

[F. R. Doc. 40-2152; Filed, May 29, 1940;
10:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 51-24]

IN THE MATTER OF WASHINGTON AND
SUBURBAN COMPANIES AND THE SYCA-
MORE COMPANY

ORDER RELATIVE TO STATUS AS HOLDING
COMPANY UNDER PUBLIC UTILITY HOLD-
ING COMPANY ACT OF 1935

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1940.

The Commission having reserved jurisdiction by its supplemental order entered in the above matter on the 10th day of May, 1940 to issue an order declaring Washington and Suburban Companies to have ceased to be a holding company upon the filing by said holding company of a certificate of notification showing that the terms and conditions of the aforesaid supplemental order have been complied with; and

Said certificate of notification having been filed with the Commission by said Washington and Suburban Companies, and it appearing from said certificate that said terms and conditions have been complied with;

It is ordered, That Washington and Suburban Companies has ceased to be, and at this time is not, a holding company. This order shall become effective as of the 27th of May 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2157; Filed, May 29, 1940;
11:25 a. m.]

[File No. 70-32]

IN THE MATTER OF CONSOLIDATED ELEC-
TRIC AND GAS COMPANY

ORDER CONSENTING TO APPLICATION
WITHDRAWAL

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1940.

Consolidated Electric and Gas Company, a registered holding company, having filed an application pursuant to Rule U-12D-1, promulgated under section 12 (d) of the Public Utility Holding Company Act of 1935, for approval of the sale of 5,000 shares of Common

Stock, \$39,800 principal amount of First Mortgage 5% Bonds and \$41,800 principal amount of First Mortgage Income Bonds of its subsidiary, Mobile Gas Service Corporation;

The applicant having requested permission to withdraw the said application, the Commission, being fully advised in the premises, hereby consents to the withdrawal of the said application and to that effect

It is so ordered.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2158; Filed, May 29, 1940;
11:25 a. m.]

[File No. 1-1553]

IN THE MATTER OF THE BLACK & DECKER
MANUFACTURING COMPANY COMMON
STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO
WITHDRAW FROM LISTING AND REGISTRA-
TION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 28th day of May, 1940.

The Black & Decker Manufacturing Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Baltimore Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Friday, June 21, 1940, in Room 1103, Securities & Exchange Commission Building, 1778 Pennsylvania Ave., N.W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2159; Filed, May 29, 1940;
11:25 a. m.]

[File No. 1-2079]

IN THE MATTER OF CENTRAL OF GEOR-
GIA RAILWAY COMPANY MACON &
NORTHERN DIVISION FIRST MORTGAGE
5% BONDS DUE JAN. 1, 1946 AND MID-
DLE GEORGIA & ATLANTIC DIVISION
PURCHASE MONEY 5% BONDS DUE JAN.
1, 1947

ORDER GRANTING REQUEST FOR WITHDRAWAL
OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 28th day of May, A. D. 1940.

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, and Rule X-12D2-1 promulgated thereunder, having made application to the Commission to strike from listing and registration the Macon & Northern Division First Mortgage 5% Bonds due Jan. 1, 1946 and Middle Georgia & Atlantic Division Purchase Money 5% Bonds due Jan. 1, 1947, of Central of Georgia Railway Company, and a hearing having been duly held in this matter before a trial examiner of the Commission; and

The applicant having requested under date of May 22, 1940 that its application be withdrawn;

It is ordered, That the request of the applicant be granted and that the proceeding in this matter be and it hereby is dismissed.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2160; Filed, May 29, 1940;
11:25 a. m.]

[File No. 70-56]

IN THE MATTER OF NORTH AMERICAN GAS
AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1940.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on June 11, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for

that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in

such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 8, 1940.

The matter concerned herewith is in regard to the acquisition and retirement of its 6% Cumulative Income De-

bentures due January 1, 1949 in accordance with the sinking fund provisions.

Applicant has designated Sections 9 (a) and 12 (c) and Rules U-12C-1 and U-7 as applicable.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2162; Filed, May 29, 1940;
11:59 a. m.]

